



New Mexico Judicial Conclave

June 11-13, 2014

Albuquerque Marriott Uptown Hotel

Agenda

Wednesday, June 11, 2014

Grand Ballroom – Plenary Sessions

- 11:00 – 1:00 Registration
- 1:00 – 1:30 **Welcome and Introduction of New Judges and Tribal Judges**
Chief Justice Barbara Vigil, NM Supreme Court; Dean David Herring, UNM School of Law; Hon. Jonathan Sutin, NM Court of Appeals, Chair, Judicial Continuing Legal Education Committee
- 1:30 – 2:30 **Scientific Evidence, Part 1**
David L. Faigman, Ph.D., J.D., John F. Digardi Distinguished Professor of Law; Associate Dean, UCSF/UC Hastings Consortium on Law, Science & Health Policy
Lisa Faigman, J.D., Lecturer in Law, UC Hastings College of the Law
Kent A. Kiehl, Ph.D., Executive Science Officer; Director, Mobile Imaging Core and Clinical Cognitive Neuroscience; Professor of Translational Neuroscience, The Mind Research Network; Professor of Psychology, Neuroscience and Law, University of New Mexico
Lyn Kiehl, M.A., J.D., Proposal Manager, The Mind Research Network
- 2:30 – 2:50 **Break**
- 2:50 – 3:50 **Scientific Evidence, Part 2**
- 3:50 – 4:00 **Break**
- 4:00 – 5:00 **Scientific Evidence, Part 3**

Thursday, June 12, 2014

Grand Ballroom – Plenary Sessions

- 7:00 – 8:00 Optional Meeting for Chairs of Local Pro Bono Committees
Access to Justice Commission Members: Justice Petra Jimenez Maes, NM Supreme Court; Hon. Nan Nash, 2nd Judicial District; Hon. Sarah Singleton, 1st Judicial District
- 8:30 – 9:30 **Court Delay: The Enemy of Justice (Ethics/Prof.)**
Hon. Patricia Costello, Assignment Judge, Superior Court of New Jersey, Essex County; Gordon Griller, Principal Court Management Consultant, National Center for State Courts; David Steelman, Principal Court Management Consultant, National Center for State Courts
- 9:30 – 9:45 **Break**

- 9:45 – 10:45 Keeping It Legal: Federal Language and Disability Access Requirements for New Mexico Courts**
Bruce Adelson, J.D., Chief Executive Officer, Federal Compliance Consulting LLC, Maryland
- 10:45 – 11:00 Break**
- 11:00 – 12:00 Applying Delay Reduction in New Mexico: Lessons from the Trenches (Ethics/Prof.)**
Moderator: Hon. Sarah Singleton, 1st Judicial District; Panel Members: Hon. Ted Baca, 2nd Judicial District; Hon. Jim Hall (retired); Hon. Peggy Nelson (retired); Hon. Patricia Costello; Gordon Griller; David Steelman
- 12:00 – 1:30 Lunch (provided)**
District and Metropolitan Judges Association Meeting: Hon. Shannon Bacon, 2nd Judicial District, President

Workshops Choices:

1:30 – 2:30

- 1. Odyssey SessionWorks Tips and Tricks (limited to 40)**
Sarah Farr, Judge Edition Product Manager; Amy Puckett, Odyssey Product Director; Paul Covington, Judge and Clerk Edition Senior Development Manager
 SessionWorks experts from Tyler Technologies will lead a hands-on class that will give participants the skills to fully utilize SessionWorks from the bench and in chambers.
 Room ____
- 2. Best Practices in Caseflow Management: Children and Family Division Courts**
Hon. Patricia Costello; Gordon Griller; David Steelman
 National experts will discuss common problems and proven case processing techniques that streamline the movement of cases involving children and family matters. Caseflow dynamics experienced in handling these important cases have occasionally been referred to as diagnostic adjudication where the objective has less to do with adjudication and more to do with identifying the problems which are the source of the dispute before the court or require court action for the protection of both the persons before the court and the broader societal interests at stake. Judicial oversight and responsibility for delay reduction requires special attention and techniques unlike those in strictly adversarial disputes.
 Room ____
- 3. The Non-English-Speaking Juror: New Mexico's Unique Opportunity**
Justice Edward Chavez, NM Supreme Court; Aimee Rivera, AOC Signed Language Interpreter Coordinator; Anabel Vela, Spanish Court Interpreter Coordinator; Alex Araiza, Spanish Court Interpreter Coordinator
 This session will offer insight and direction for judges when interpreting services are being provided for one or more jurors or for jurors, defendants, and witnesses. Specific considerations will include the role of the interpreter when interpreting for limited or non-English speaking jurors, what happens during deliberations, modes of interpreting, team interpreting, jury instructions and the interpreter's oaths.
 Room ____
- 4. New Rules and Challenges in Habeas and Post-Conviction Proceedings**
Max Minzner, Professor and Associate Dean for Faculty Development, UNM School of Law
 In March 2014, the NM Supreme Court published for comment a series of proposed rule amendments significantly altering the procedure for cases involving habeas corpus and

post-conviction challenges to criminal convictions. This workshop will explain the proposed changes and discuss the challenges that district judges face in handling these cases.

Room ____

5. Your Tribal-State Judicial Consortium: Past, Present & Future, and Indian Country Domestic Violence Prosecutions and Enforcement in State, Tribal and Federal Courts

Moderators: Chief Justice Barbara Vigil, NM Supreme Court, and Hon. James Wechsler, NM Court of Appeals; Hon. M. Christina Armijo, Chief U.S. District Court Judge, District of New Mexico; Chief Justice William Johnson, Pueblo of Isleta Appellate Court; Hon. M. Monica Zamora, NM Court of Appeals; Chief Judge Vincent Knight Sr., San Ildefonso; Hon. John Romero, 2nd Judicial District; Hon. Randolph Collins, Chief Judge, Pueblo of Acoma; Hon. John Davis, 13th Judicial District; David Adams, Assistant US Attorney; and Rosalie Chavez, Director, New Mexico Legal Aid, Inc., Native American Program

Since its inception eight years ago, the New Mexico Tribal-State Consortium, an innovative and collaborative group, has made great strides in strengthening relationships and fostering communications between State and Tribal Judges. The Consortium continues to work on cross-jurisdictional issues, Full Faith and Credit, Indian Child Welfare Act and identifying available State services for Native Families and Children. This session will also cover the panel's experience in presiding over, prosecuting and defending Indian Country domestic violence cases in Federal, State and Tribal Court.

Room ____

2:30 – 2:45 Break

2:45 – 3:45

Workshops Choices:

1. Odyssey SessionWorks Tips and Tricks (repeat; limited to 40)

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Room ____

2. Best Practices in Caseload Management: Non-Divisional Courts

Hon. Patricia Costello; Gordon Griller; David Steelman

Case delay in rural courts is not generally caused by scarcity of resources or long distances between services and courthouses. The dominant relationship force in these courts is comity. Attorneys accommodate each other to survive economically. Social harmony often occasions more resistance to caseload change, although results of any change are often greater and more immediate. In this session, national experts will discuss ways a single judge or small groups of judges in rural counties can streamline their caseload.

Room ____

3. That All Shall Be Heard: Working with the Deaf and Hard of Hearing in Court Proceedings

Roger Robb and Corina Gutierrez, NM Commission for the Deaf & Hard of Hearing; Aimee Rivera, AOC Signed Language Interpreter Coordinator

This session will be offered from the perspective of a deaf individual and interpreters for the deaf, providing unique insight into the challenges as well as the gifts that the deaf bring to the courtroom. Presenters will help judges understand the signed language interpreter role and where it differs from that of the spoken language interpreter, the use of body language and spatial relationships in signed language interpreting, the meaning and appropriate

services for individuals using “home” sign, and interpreting across three languages, e.g. Spanish, American Sign Language and English.

Room ____

4. Developments in Law at the End of Life

Robert Schwartz, Professor Emeritus, UNM School of Law

This workshop will focus on new legal developments around end of life care, and especially on the role of the legislature and the role of the courts in setting policy to govern care that is provided (or withdrawn) at the end of life. The workshop will also address whether the law ought to review private health care decisions made by patients in consultation with their physicians. The workshop will discuss the law of making futile decisions, the role of surrogate decision-makers, and the recognition of aid in dying in some states.

Room ____

5. Examining Types of Intimate Partner Violence

Tamara Kuennen, Associate Professor, Sturm College of Law, University of Denver

Social scientists studying intimate partner violence (IPV) no longer find it ethically acceptable to call all acts of aggression between intimate partners “battering.” Types of aggression between couples range from situational fights to assaults to patterns of coercively controlling conduct. While legal definitions often lump together varied forms of aggression, distinguishing among types helps to provide a more complete understanding of perpetrator and victim behavior, and more capacity to accurately assess and adequately provide for victims’ and children’s safety. This session will provide up-to-date empirical research regarding differing IPV types including the effects on children, and will focus on courtroom applications. Participants will leave with tools to more effectively and efficiently identify, make findings of fact, and craft orders addressing the specific type of IPV presented.

Room ____

3:45 – 4:00 Break

4:00 – 5:00

Workshops Choices:

1. Odyssey SessionWorks Tips and Tricks (repeat; limited to 40)

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Room ____

2. Working with Court Interpreters: Myths Debunked

Panel Facilitator: Bethany Korp-Edwards; Panel Members: Pamela Sánchez, AOC Statewide Program Manager, Language Access Services; Weldon Neff, Court Executive Officer, 11th Judicial District; Hon. Nan Nash, 2nd Judicial District; Peggy Cadwell, Certified Spanish Court Interpreter and Interpreter Coordinator

This session will explore the fundamentals for judges when presiding over interpreted proceedings. The session is especially informative for newer judges or judges who have never presided over an interpreted proceeding. The Supreme Court Interpreter Rules will be reviewed, along with the role of court interpreter, general considerations for interpreted proceedings, modes of interpreting, qualifying the interpreter, interpreter classifications, and issues with interpreter performance.

Room ____

3. Choosing Not to Vaccinate: The Legal Issues*Robert Schwartz, Professor Emeritus, UNM School of Law*

This workshop will look at decisions by parents not to vaccinate their children for medical, religious, philosophical or political reasons and assess the public health consequences of the sum of those individual decisions. The workshop will examine the potential legal consequences of any public health effects that may come from failure to vaccinate, including potential criminal liability, potential tort liability and other potential remedies, as well as the role of the religion clauses of the First Amendment (and state constitutions) and the role of mandatory school attendance laws when attendance requires vaccination in analyzing this issue.

Room ____

4. Assessing Risk of Harm and Death in Domestic Violence Cases*Camille Carey, Associate Professor, UNM School of Law*

Can we predict when a domestic violence perpetrator will murder an intimate partner? Social science research says we can. Lethality and risk assessment tools claim to predict lethal and repeat violence in domestic violence relationships. This session will look at lethality and risk assessment instruments designed to assist victims, law enforcement, prosecutor's offices, judges, social workers, victim advocates, and others in predicting whether an abuser will assault or kill a partner. The session will examine the factors that help to predict repeat assault or homicide. Participants will leave the session with hands-on tools for practical assistance in handling these cases.

Room ____

5. Children's Law: Youth Engagement in Court*Invited: Hon. Jill Walker, Leon County, Florida*

This session will address from the judge's perspective the importance of effective and meaningful youth involvement in court in abuse or neglect cases. Promising practices and lessons learned will be discussed and explored.

Room ____

5:00 – 7:00 Children's Court Judges Meeting*Justice Petra Jimenez Maes, New Mexico Supreme Court*

Room ____

Friday, June 13, 2014

Grand Ballroom – Plenary Sessions

7:00 – 8:00 Optional Meeting for Children's Court Judges*Justice Petra Jimenez Maes, NM Supreme Court***8:00 – 9:30 Civil Procedure and Evidence Update***Max Minzner, Associate Professor and Associate Dean for Faculty Development, UNM School of Law***9:30 – 9:45 Break****9:45 – 11:15 Criminal Law Update***Barbara Bergman, Professor, UNM School of Law***11:15 – 11:30 Break****11:30 – 12:30 Supreme Court Shirtsleeve Session** (Restricted to Active and Retired State and Tribal Judges)
New Mexico Supreme Court